

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DESIGN TO PRINT, INC., a Utah Corporation

Plaintiff,

v.

CASESTACK, LLC,

Defendant.

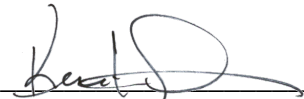
Case No. 2:20-cv-00714-KJD-DJA

ORDER

Presently before the Court is Defendant Casestack, LLC's Motion to Dismiss (#11) filed May 20, 2020. Though the time for doing so has passed, Plaintiff has not filed a response in opposition. However, on May 21, 2020, Plaintiff filed an Amended Complaint (#14). The amended complaint dropped the claim for negligence against Casestack, which Casestack had moved to dismiss as preempted. Casestack had also moved to dismiss Plaintiff's claim for "breach of duties[.]" This claim was not dropped in the amended complaint.

Accordingly, the Court denies the motion to dismiss as moot. Defendant may raise the issue of preemption of the breach of duties claim in a responsive pleading to Plaintiff's Amended Complaint (#14). Defendant Casestack, LLC shall file an answer or responsive pleading within fourteen (14) days of the entry of this order.

Dated this 28th day of July, 2020.


Kent J. Dawson
United States District Judge